

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

KURZ, Thekla, et al.

Serial No. : 09/889,930

Filed : 3 October 2001

Title: LYOPHILISATES WITH IMPROVED RECONSTITUTIBILITY

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INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

CITED MATERIALS

Applicant(s) wish to disclose the following information, listed in the attached form PTO-1449.

- ☐ Copies of materials listed but not attached were cited in parent application Serial No. _____.
- ☒ **Copies of materials listed but not attached were cited in an International Search Report dated 12 July 2000; receipt of any International Search Report and copies of references were confirmed by the PCT International Division of the U.S. PTO in the Notice of Acceptance mailed 1 November 2001.**
- ☐ Copies of materials listed and attached were cited in a communication from a foreign patent office in a counterpart foreign application.
- ☐ Also included are the pending U.S. applications listed below, copies of which are attached:

FEES

- ☒ **No fee is required for this Information Disclosure Statement because:**
- ☐ This Information Disclosure Statement is being filed within three months of the filing date of a national application (other than a CPA) under § 1.53(d) or within 3 months of the date of entry of the national stage under § 1.491 in an international application;
- ☒ **This Information Disclosure Statement is being filed before the mailing of a first action on the merits;**
- ☐ This Information Disclosure Statement is being filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that closes prosecution in the application, and is accompanied by a certification below.
- ☐ A check is attached: This Information Disclosure Statement is being filed after a first action on the merits but before the mailing date of any of a final action under § 1.113, a

notice of allowance under § 1.311 or an action that closes prosecution, and is accompanied by the fee set forth in §1.17(p).

- ☐ A check is attached: This Information Disclosure Statement is being filed after the mailing date of a notice of allowance under § 1.311 but before the payment of the issue fee and is accompanied by the fee set forth in § 1.17(p) and a certification below.

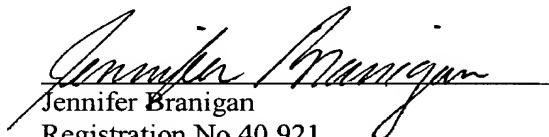
CERTIFICATION

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c), more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

If appropriate, attached is a check in the amount of \$ _____. However, the Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,


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Date: **3 December 2001**
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